

IN RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE - NW/Corner Eastern Boulevard and Hawthorne Road (2010-2012 Eastern Avenue) 15th Election District 5th Councilmanic District Chevron USA, Inc. Petitioner

BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 88-465-SPHA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special hearing to approve an amendment to the previously approved site plan in Case No. 4200 to enlarge the existing canopy and have a 53-foot setback from the centerline of Eastern Boulevard, and variances to permit an automotive service station with a canopy setback of 5 feet from the right-of-way line in lieu of the required 10 feet, all as more particularly described on Petitioner's Exhibit 1.

The Petitioner, by J. E. Wood, Senior Sales Representative, appeared, testified, and was represented by Counsel, F. Vernon Booser, Esquire. Tony Cortal, with STV Lyons and Associates, also appeared on behalf of the Petitioner. There were no Protestants.

Testimony indicated that the subject property, known as 2010 Eastern Avenue, is zoned B.C.-C.N.S. and has been used as a gasoline service station since its approval for said use in Case No. 4200 in September 1957. Testimony indicated that the Petitioner proposes extending the existing canopy to cover both gas pump aisles. Currently, the self-service aisle, which is the closest to the street, does not have a canopy. The canopy is needed to protect both customers and attendants from inclement weather. Testimony indicated that the Petitioner could not switch the full-service aisle with the self-service aisle without interfering with the traffic flow as the self-service aisle is more frequently used. The face of the new canopy will still be a minimum of 25 feet from the curb of the street due to a 16-foot right-of-way area that is currently

88-465-SPHA

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 15th Date of Posting 5/1/88
Posted for: Special Hearing
Petitioner: Chevron U.S.A., Inc.
Location of property: 2010-2012 Eastern Ave.
Location of Sign: Intersection of Eastern & Hawthorne
Remarks: See map
Posted by: M. Healy Date of return: 5/6/88
Number of Signs: 7

"DUPLICATE" CERTIFICATE OF PUBLICATION

TOWSON, MD., April 28, 1988
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on April 28, 1988

THE JEFFERSONIAN,

Susan Stuedemann
Publisher

#41.25

either grass or sidewalk area. Testimony indicated there would be no detriment to the health, safety and welfare of the general public if the modification to the site plan was granted.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances were granted, such use as proposed would not be contrary to the spirit and intent of the B.C.Z.R. and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty would result if the variances were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertising, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special hearing and variances requested should be granted.

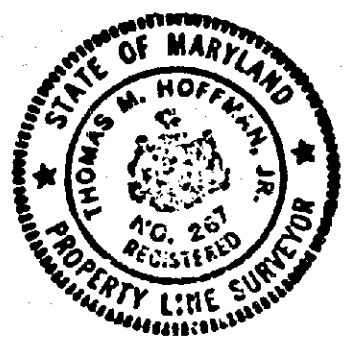
STYRON ASSOCIATES ENGINEERS ARCHITECTS PLANNERS GOVERNOR'S COURT BALTIMORE MD 21207-2722 301/954-9112

ZONING DESCRIPTION
NO. 2010 - 2012 EASTERN AVENUE
AT HAWTHORNE ROAD
15th ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME at a point along the northwesterly right of way line of Eastern Avenue (Maryland Route 150), said point of beginning being 45 feet northwesterly radially from the westbound lane base line of right of way of Eastern Avenue at station 291+78 as shown on State Road Commission plat No. 4883 and as shown on plat to accompany petitions, thence running with and binding on said northwesterly right of way line of Eastern Avenue;

- 1.) Southwestly 133.64 feet by a curve to the right with a radius of 5684.58 feet, said curve being subtended by a chord bearing South 54°44'17" West 133.64 feet to a point, thence leaving said Avenue
- 2.) North 22°40'20" West 113.31 feet to a point, thence
- 3.) North 48°38'30" East 111.54 feet to a point along the southwesterly right of way line of Hawthorne Road, thence binding on said right of way line
- 4.) South 46°18' East 100.78 feet to a point at the intersection of Hawthorne Road and Eastern Avenue, thence running with said intersection,
- 5.) South 06°51'10" West 31.72 feet to the place of beginning ... containing 15,480 square feet or 0.3554 acres of land, more or less.

Thomas M. Hoffman, Jr.
STYRON ASSOCIATES
Thomas M. Hoffman, Jr.
Md. Reg. Property Line Surveyor No. 267



STY ENGINEERS, ENGINEERS, ARCHITECTS, PLANNERS, PROFESSIONAL MEMBER FORMS STY/Engine Associates
STY/Management Consultants STY/H/D No. 104444 STY/Standards & Thomas STY/Survey Services Value & Service

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 7th day of June, 1988 that the Petition for Special Hearing to approve an amendment to the previously approved site plan in Case No. 4200 to enlarge the existing canopy and have a 53-foot setback from the centerline of Eastern Boulevard, and the Petition for Zoning Variance to permit an automotive service station with a canopy setback of 5 feet from the right-of-way line in lieu of the required 10 feet, in accordance with Petitioner's Exhibit 1, be and are hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

Ann M. Nastarowicz
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
of Baltimore County

AMN:bjs

ORDER RECEIVED FOR FILING
Date 5/1/88
By John J. Wilson

PETITION FOR ZONING VARIANCE #310

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 88-465-SPHA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 405.4.2.a to allow an automotive service station with a canopy setback of 5' from the right of way line in lieu of the required 10'.

of the Zoning Regulations of Baltimore County to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

1. Without the variance, it would not be possible to modernize the station to better serve customers.
2. Other reasons to be resolved at the hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner:
F. Vernon Booser
(Type or Print Name)
Signature
Address
City and State
Attorney's Telephone No.: 828-9441

Legal Owner(s):
CHEVRON U.S.A., INC.
(Type or Print Name)
By: Paul Brundage
Signature
(Type or Print Name)
Signature
Address
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
F. Vernon Booser
Name
Address
City and State
Attorney's Telephone No.: 828-9441

ORDERED By The Zoning Commissioner of Baltimore County, this 9th day of MARCH, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 20th day of MAY, 1988, at 11 o'clock A.M.

ESTIMATED LENGTH OF HEARING 1/2 HOUR
AVAILABLE FOR HEARING
MOR./TUES./WED. - NEXT TWO MON. (over)
ALL OTHER
REVIEWED BY: John J. Wilson DATE 2-25-88

ORDER RECEIVED FOR FILING
Date 2/25/88
By John J. Wilson

PETITION FOR SPECIAL HEARING #310

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 88-465-SPHA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve an amendment to the previously approved site plan in Case No. 4200, to enlarge the canopy and have a 53 foot setback from the centerline of Eastern Blvd.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):
CHEVRON U.S.A., INC.
(Type or Print Name)
By: Paul Brundage
Signature
(Type or Print Name)
Signature
Address
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
F. Vernon Booser
Name
Address
City and State
Attorney's Telephone No.: 828-9441

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REVIEWED BY: John J. Wilson DATE 2-25-88

ORDER RECEIVED FOR FILING
Date 2/25/88
By John J. Wilson

**Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3553**

**J. Robert Haines
Zoning Commissioner**

March 24, 1988

NOTICE OF HEARING

**Dennis F. Rasmussen
County Executive**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

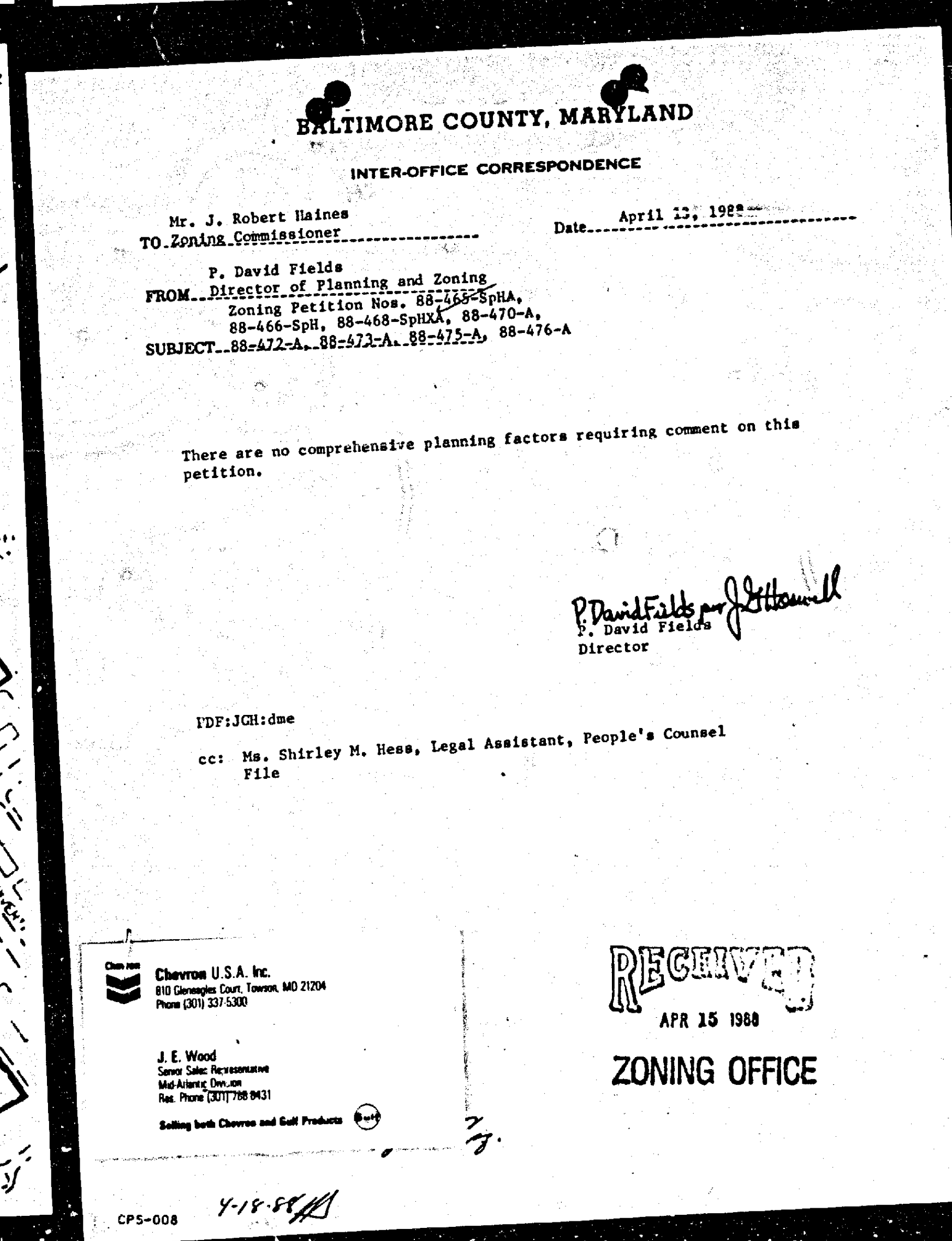
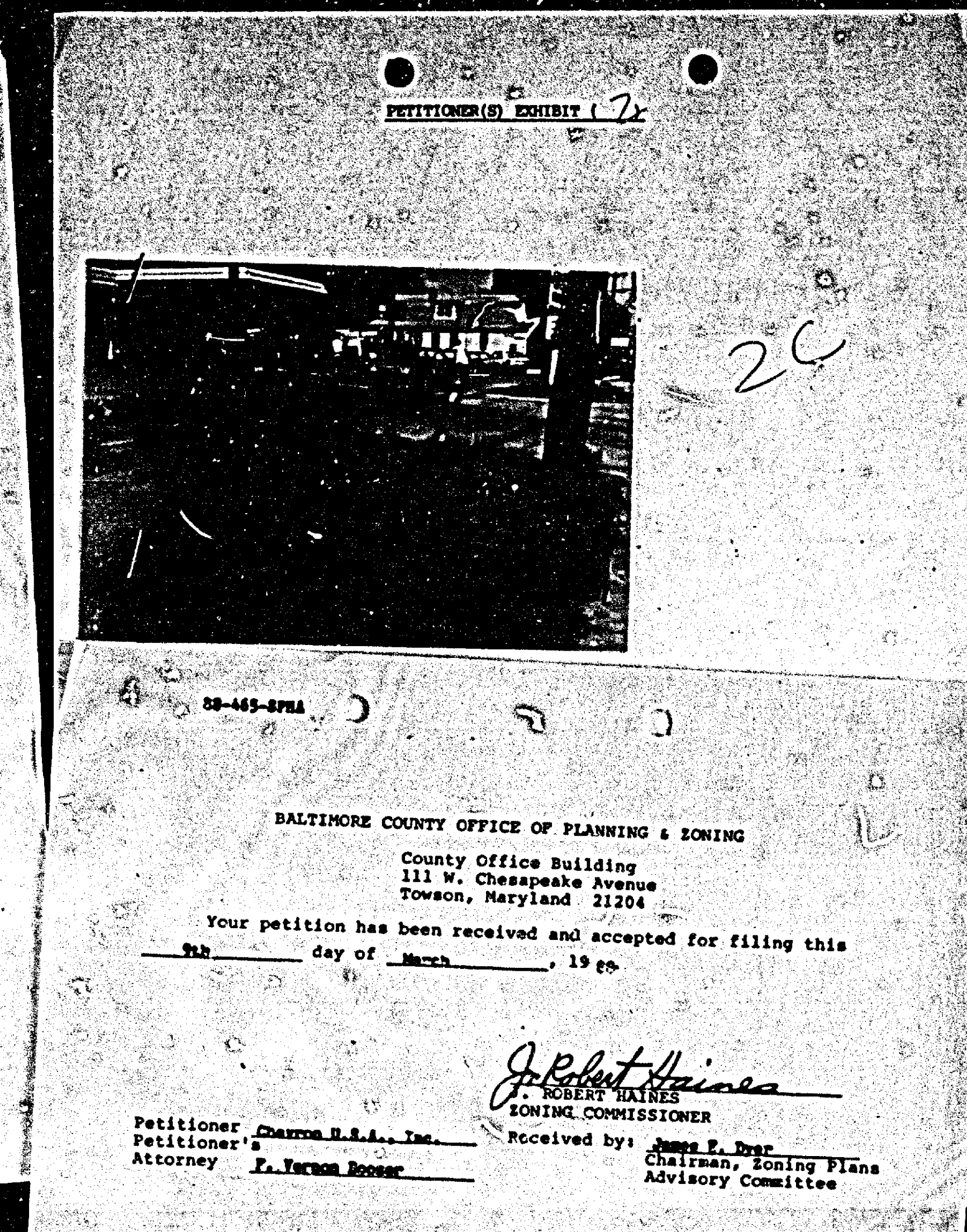
**Petitioners for Special Hearing and Zoning Variance
Case Number 88-22-0748**
N.E. Eastern Blvd. and Hawthorne Road
(2010 - 2012 Eastern Avenue)
16th Election District - 2nd Councilman's District
Petitioner(s) Chevron U.S.A., Inc.
HEARING SCHEDULED: FRIDAY, MAY 21, 1988 at 11:00 a.m.

Special Hearings An amendment to the previously approved site plan in Case No. 4200, to enlarge the canopy and have a 53 foot setback from the centerline of Eastern Blvd. Variance to allow an automatic service station with a canopy setback of 5 feet from the right of way line in line of the required 10 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

**J. ROBERT HAINES
Zoning Commissioner of
Baltimore County**

cc: **Paul Fouda/Chevron U.S.A., Inc.
P. Vernon Bower, Esq.
File**



Baltimore County
Fire Department
Towson, Maryland 21204-2536
434-4500

Paul H. Reincke
Chief

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

March 10, 1988

RE: Property Owner: Chevron U.S.A., Inc.

Location: NW/c Eastern Blvd. and Hawthorne Rd.

Item No.: 310

Zoning Agenda: Meetings of 3/8/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or ____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

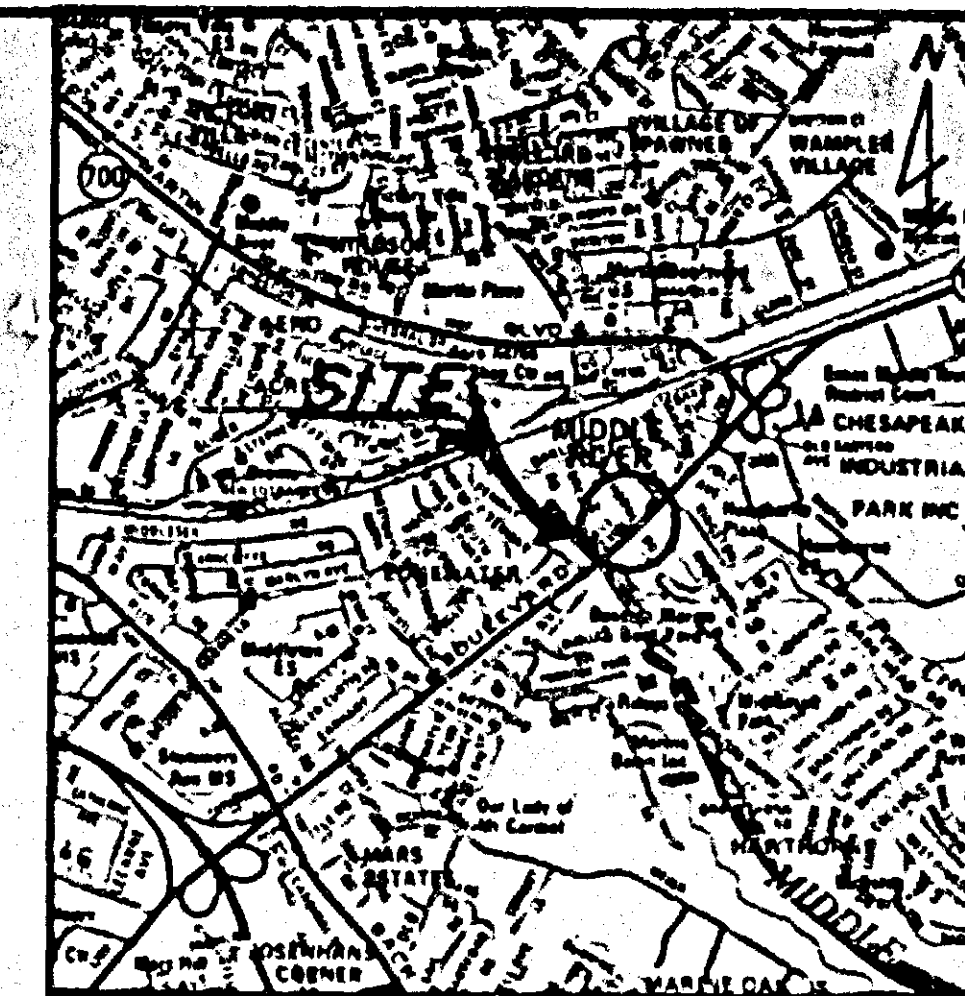
(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

REVIEWED: John F. Kelly 3-10-88 Noted and Approved: John F. Kelly
Planning & Zoning Division Fire Prevention Bureau
Special Inspection Division

1/31



LOCATION MAP
SCALE 1" = 2000'

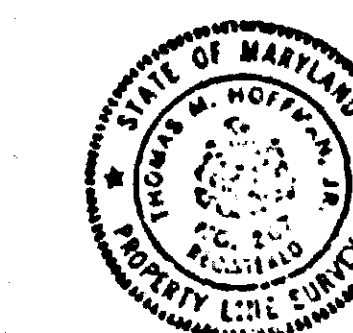
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AT HAWTHORNE ROAD
15th ELECTION DISTRICT
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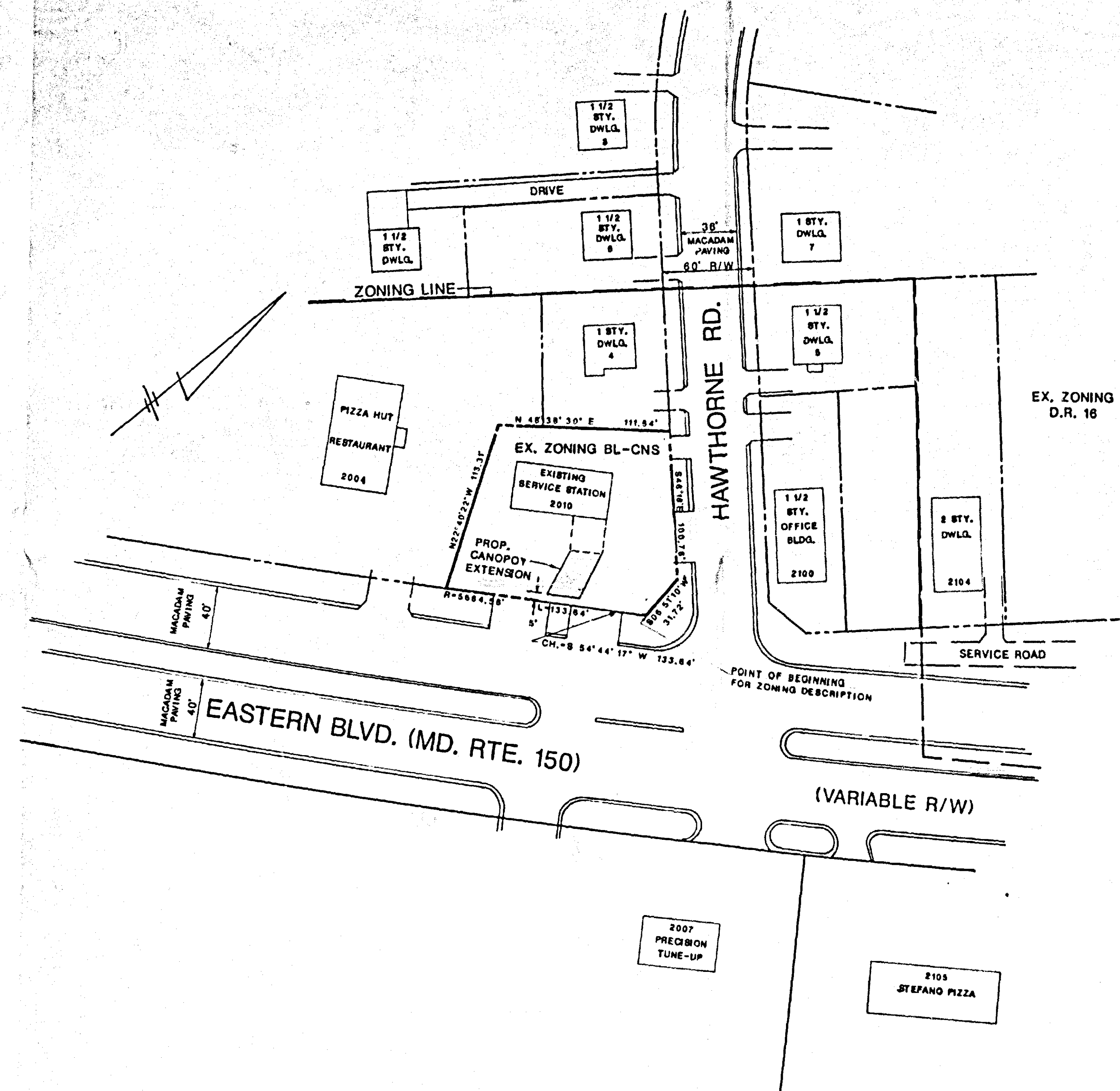
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- 5.) South 06°51'10" West 31.72 feet to the place of beginning ... containing 15,480 square feet or 0.3554 acres of land, more or less.

Thomas M. Hoffman, Jr.
STV/LYON ASSOCIATES
Thomas M. Hoffman, Jr.
Md. Reg. Property Line Surveyor No. 267

November 20, 1987



NOTE: THIS PLAT IS NOT A
BOUNDARY SURVEY.



STV / LYON ASSOCIATES

Engineers Surveyors Planners

21 Governor's Court Baltimore, Maryland 21207

Telephone : 301-944-9112

REVISIONS

NO. DATE DESCRIPTION

PLAN PREPARATION

DRAWN BY <i>BRD</i>	DATE <i>2/1/88</i>
DESIGNED BY <i>EJM</i>	SCALE <i>1" = 50'</i>
CHECKED BY <i>TMH</i>	

PLAT TO ACCOMPANY PETITIONS FOR
VARIANCE & SPECIAL HEARING
CHEVRON/GULF CORP.

2010 EASTERN BLVD. AT HAWTHORNE RD.
15TH ELECT. DIST. BALTO. CO. MD.

DRAWING NO.

7227-57-005

SHEET NO.

2 of 4

